

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**IN RE:
PACKET CONSTRUCTION LLC**

DEBTOR

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§
§

BANKRUPTCY CASE NO. 23-10860

**FIRST INTERIM APPLICATION FOR COMPENSATION AND EXPENSES
BY THE LANE LAW FIRM, PLLC, ATTORNEYS FOR
THE DEBTOR-IN-POSSESSION**

THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS. IF NO TIMELY RESPONSE IS FILED WITHIN 21 DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED HEREIN MAY BE GRANTED WITHOUT A HEARING BEING HELD.

A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.

TO THE HONORABLE UNITED BANKRUPTCY JUDGE:

COMES NOW ROBERT “CHIP” LANE OF THE LANE LAW FIRM, PLLC (“Applicant”), Attorneys for the Debtor-in-Possession, Packet Construction LLC, in the above-captioned case, pursuant to 11 U.S.C. §§ 330, 331; F.R.B.P. 2016; and previous orders of this Court, and hereby submits its interim application for allowance of payment of 1) compensation in the amount of \$23,057.00 for the period of October 12, 2023 through January 11, 2024 and 2) reimbursement of actual and necessary out-of-pocket expenses in the amount of \$3,558.14 incurred during the same time period, for a total of \$26,615.14. In support of this first interim application, it is represented as follows:

I. INTRODUCTION

Case Background

1. On October 12, 2023, Packet Construction LLC filed a voluntary petition seeking relief under Chapter 11 of the United States Bankruptcy Code.
2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157, 1334; this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

3. Debtor filed a Motion for Use of Cash Collateral with the corresponding motion to expedite on October 12, 2023 (Docket No.'s 5 & 6). The Court approved both the interim and final cash collateral orders.
4. Debtor filed a Motion for Approval of Post-Petition Monthly Retainer Payments on October 12, 2023 (Docket No. 8). The Court approved this motion.
5. The Lane Law Firm PLLC filed its Application to Employ on October 12, 2023 (Docket No. 7). The Court approved the employment of The Lane Law Firm PLLC on November 8, 2023 (Docket No. 41).
6. Notice of Appointment of Subchapter V Trustee Michael G. Colvard was filed on October 16, 2023 (Docket No. 15).
7. The 341 Meeting of Creditors occurred on November 3, 2023 and continued to November 15, 2023, and the deadline to file Proofs of Claims was December 21, 2023.
8. The Court held a Status Conference on December 4, 2023. Debtor timely filed its 1188 Status Report on November 15, 2023.
9. The proposed Plan was filed on January 10, 2024 (Docket No. 69).
10. The Confirmation Hearing of the Plan has not been scheduled.

Applicant's Employment

11. Applicant has agreed to charge Debtor, and Debtor has agreed to pay Applicant an hourly rate for time expended on behalf of the Debtor. Applicant received a pre-petition retainer of \$30,000.00 from the Debtor. Out of such, \$8,322.50 went to pre-petition fees and \$2,944.00 for the Chapter 11 filing fee and miscellaneous expenses, resulting in a remaining retainer balance of \$18,733.50. Post-petition, Applicant has received \$6,000.00 from the Debtor, which is being held in Applicant's IOLTA account. There is currently \$29,723.50 remaining in Applicant's IOLTA account.
12. Applicant is the attorney responsible for handling this matter. Applicant's hourly rate is \$550.00. The hourly rate for senior associate Joshua Gordon is \$500.00. The hourly rate for

associates is \$425.00. The hourly rate for David Leger and Monda Boggs is \$190.00 and Kaitlin Keys is \$150.00, the paraprofessional team assigned to this matter.

13. This Application is Applicant's first interim application.
14. Applicant has not provided services to the estate which unnecessarily duplicate the professional services performed by other attorneys approved herein.
15. All services performed and expenses incurred for which compensation or reimbursement is requested were performed or incurred for and on behalf of the Debtor and not for any other person or entity.
16. The applicant has not shared or agreed to share compensation or reimbursement of expenses awarded in this case with any other person except as among the members and employees of the firm.
17. The applicant has not made any agreements with the Debtor, or others, for compensation or reimbursement which have not been disclosed to the Court.
18. The time period of services and expenses covered by this Application is October 12, 2023 through January 11, 2024 (the "Applicable Period").

II. THE PRESENT INTERIM APPLICATION

PROJECT SUMMARY

19. This Interim Application seeks:
 - i. Approval of an order directing Debtor to pay fees and expenses in the total amount of \$23,057.00 in fees for the period of October 12, 2023 through January 11, 2024 and secondly, reimbursement of actual and necessary out-of-pocket expenses in the amount of \$3,558.14 incurred during the same time period, for a total of \$26,615.14.
 - ii. Compensation support exhibit reflecting time is attached as Exhibit 1.
 - iii. A Fee Application Summary in the form of Appendix L2016-a-2 is attached hereto as Exhibit 2 which provides the following information:

SUMMARY			
TIME PERIOD	FEES REQUESTED	EXPENSE REQUEST	PROFESSIONAL
October 12, 2023 – January 11, 2024	\$16,555.00	\$0.00	Robert “Chip” Lane
October 12, 2023 – January 11, 2024	\$850.00	\$0.00	Joshua Gordon
October 12, 2023 – January 11, 2024	\$4,655.00	\$0.00	David Leger
October 12, 2023 – January 11, 2024	\$817.00	\$0.00	Monda Boggs
October 12, 2023 – January 11, 2024	\$180.00	\$0.00	Kaitlin Keys
October 12, 2023 – January 11, 2024		\$3,558.14	Expenses
TOTAL	\$23,057.00	\$3,558.14	\$26,615.14

iv. The names, rates and admission dates for counsel and paraprofessionals who worked in this case are:

- A. Robert “Chip” Lane - \$550.00 per hour
- B. Joshua Gordon - \$500.00 per hour
- C. David Leger - \$190.00 per hour
- D. Monda Boggs - \$190.00 per hour
- E. Kaitlin Keys - \$150.00 per hour

v. The total hours billed per counsel and paraprofessional per period are:

Robert “Chip” Lane	30.10	\$16,555.00
Joshua Gordon	1.70	\$850.00
David Leger	24.50	\$4,655.00
Monda Boggs	4.30	\$817.00
Kaitlin Keys	1.20	\$180.00
TOTAL	61.80 hours	\$23,057.00

Services Performed on Behalf of the Debtor

20. During the period covered by this application, the applicant has performed various services on behalf of the debtor-in-possession, which are fully detailed in Exhibit "1". The detailed descriptive list of services performed provide the date the service was performed, the activity which occurred, and the time required to perform the task.
21. The total amount of compensation sought in this application \$26,615.14.
22. The services rendered by the Applicant to the estate are of benefit to the estate and satisfy the following factors in *Johnson v. Georgia Highway Express*, 488 F.2d 714 (5th Cir. 1974), in support of the reasonableness of the attorney's fees and expenses requested:

Case Administration. At various times during the case, Applicant assisted the Debtor in preparing its Monthly Operating Reports. The estate benefited from these services by Applicant in that it has been able to comply with its administrative and reporting requirements as a debtor-in-possession.

Fee/Employment Applications. At various times during the case, Applicant assisted the Debtor in preparing its Monthly Operating Reports. The estate benefited from these services by Applicant in that it has been able to comply with its administrative and reporting responsibilities as a debtor in possession.

Initial Debtor Conference – Meeting of Creditors. The Code requires that the Debtor cooperate with the United States Trustee and that a meeting of creditors be held with a representative of the Debtor. Applicant assisted the Debtor in preparing for the Initial Debtor Conference with the U.S. Trustee and for the Section 341 Meeting and attended such Conference and Meeting with a representative of the Debtor. The estate benefited from Applicant's services because the Debtor's compliance with those requirements provided information to the United States Trustee and creditors that allowed them to monitor and participate in the case in a meaningful way.

Plan. Applicant at various times before the Petition Date and during the case conferred with and advised the Debtor regarding possible terms of a plan of reorganization. The Plan was filed on January 10, 2024. Confirmation hearing has not been scheduled.

Claims. Applicant has reviewed the claims of creditors, including the claims of their professionals when applicable, and advised the Debtor with respect to such. Applicant will attempt to negotiate a settlement of any disputed unsecured claim, and the Debtor will object of a claim if those negotiations are not successful. Applicant believes that those services will ultimately benefit the estate by substantially reducing claims. There are also two adversary cases pending in this case that are awaiting answers.

Cash Collateral. Applicant sought and received authority from the Court for Debtor to use cash collateral, on an expedited basis.

Professionals Who Have Provided Services

23. The applicant's professionals who have provided services to the estate and individual hourly rates are itemized on Exhibit "1" herein.
24. Given the education and experience of each professional, the rates charged are reasonable compensation for the services of these professionals and are the same rates which are typically charged to non-bankruptcy clients for similar services.

Reimbursement of Out-of-Pocket Expenses

25. From October 12, 2023 through January 11, 2024, Applicant incurred actual and necessary out-of-pocket expenses in the total amount of \$3,558.14 for printing, mailing and court costs (See Exhibit "1").
26. Photocopies are charged at the rate of 10 cents per page and facsimiles are charged at a rate of 25 cents per page. Filing fees, certified copy charges, research services charges, postage, express delivery charges, messenger service charges, and process service charges are billed at actual costs incurred from the provider of services.

RULE 2016 STATEMENT

27. Pursuant to Bankruptcy Rule 2016(a), Applicant states the following: no promises have been made to Applicant for payment from anyone other than the Debtor and its owner for services rendered or to be rendered in any capacity whatsoever in connection with this case. The Debtor agreed to pay Applicant his normal hourly rates set forth above. The source of compensation to be paid is from the retainers and the funds currently in the trust account. Applicant received a pre-petition retainer of \$30,000.00 from the Debtor. Out of such, \$8,322.50 went to pre-petition fees and \$2,944.00 for the Chapter 11 filing fee and miscellaneous expenses, resulting in a remaining retainer balance of \$18,733.50. Post-petition, Applicant has received \$6,000.00 from the Debtor, which is being held in

Applicant's IOLTA account. There is currently \$29,723.50 remaining in Applicant's IOLTA account. No other fees have been awarded to date. Applicant has not shared any previous compensation and no agreement or understanding exists between the Applicant and other persons for the sharing of compensation received or to be received for services rendered or in connection with this case.

RULE 26 SUMMARY

28. The Fee Application Summary required by Local Rule 2016(a)(1) is attached hereto as Exhibit "2".

Summary of Payments Made Under Compensation Order

29. The Applicant is seeking interim compensation for 31.80 hours of time for services furnished as managing attorney to the Debtor, alongside an associate, in the total amount of \$17,405.00 for the period October 12, 2023 through January 11, 2024. Additionally, Applicant is seeking 30.00 hours of time for services furnished by the paraprofessionals in the total amount of \$5,652, for the period October 12, 2023 through January 11, 2024. Lastly, Applicant seeks reimbursement of the out-of-pocket cases expenses in the amount of \$3,558.14. The total claimed in this Application is therefore \$26,615.14. Applicant asks that he be paid such out of the retainers described above and from the funds in the trust account. The exhibits to this application detail how that time was spent as well as how the compensation has been calculated. Applicant believes the amounts sought are fair and reasonable compensation in light of all the circumstances including the size and complexity of this case.

WHEREFORE, PREMISES CONSIDERED, Robert “Chip” Lane of The Lane Law Firm PLLC requests that after notice and opportunity for hearing this Court enter an Order approving this First Interim Fee Application for Compensation as requested and for such other and further relief to which he may be entitled.

Respectfully submitted,

THE LANE LAW FIRM, PLLC

/s/Robert C. Lane

Robert C. Lane

State Bar No. 24046263

Joshua D. Gordon

State Bar No. 24091592

notifications@lanelaw.com

6200 Savoy, Suite 1150

Houston, Texas 77036

(713) 595-8200 Voice

(713) 595-8201 Facsimile

COUNSEL FOR DEBTOR

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Debtor's Interim Application for Compensation was served upon the US Trustee and to the parties listed on the service list below and the attached mailing matrix either via electronic notice by the court's ECF noticing system or by United States first class mail, postage prepaid, on January 11, 2024:

Debtor:

Packet Construction LLC
14205 N Mopac Expy #514
Austin, Texas 78728

US Trustee:

Office of the U.S. Trustee
903 San Jacinto Blvd
Room 230
Austin, Texas 78701
Ustpregion07.au.ecf@usdoj.gov

U.S. Small Business Administration
Little Rock Commercial Loan Servicing
Center 2120 Riverfront Drive, Suite 100
Little Rock, AR 72202

ECF Notices:

Steven B. Bass on behalf of Creditor United States of America Small Business Administration
Steven.Bass@usdoj.gov, tina.travieso@usdoj.gov

Jason Bradley Binford on behalf of Creditor Arcosa Aggregates Texas, LLC
jason.binford@rsbfirm.com

Michael G. Colvard
mcolvard@mdtlaw.com, mcolvard@ecf.axosfs.com; amartinez@mdtlaw.com

Michelle D. Esparza on behalf of Creditor Caterpillar Financial Services Corporation
mesparza@dickinsonwright.com, ksaldivar@dickinsonwright.com

Zachary J. Fanucchi on behalf of Creditor Texas First Rentals, LLC
zfanucchi@ceflegalsa.com, agarcia@ceflegalsa.com

Zachary J. Fanucchi on behalf of Creditor Zachary J. Fanucchi
zfanucchi@ceflegalsa.com, agarcia@ceflegalsa.com

Anthony F. Giuliano on behalf of Interested Party Spartan Business Solutions LLC
afg@glpcny.com

Amber L James on behalf of Creditor Big Bend Services, LLC
amberjames@wtlaw.com, katy.rodriguez@wtlaw.com

Jason R. Kennedy on behalf of Creditor Nucor Harris Rebar South, LLC f/k/a Harris Rebar Nufab, LLC
bankruptcy@laperouselaw.com, amanda.olvera@laperouselaw.com

Robert Chamless Lane on behalf of Debtor Packet Construction LLC
chip.lane@lanelaw.com, thelanelawfirm@jubileebk.net;notifications@lanelaw.com

Matthew J Lee on behalf of Creditor Centra Funding LLC
mjl@replevin.com, ecf@writofseizure.com

Kyle E Neill on behalf of Creditor Territorial Bank of American Samoa
dskenpc@swbell.net, dskenpc@swbell.net

John Robert Nelson on behalf of Creditor Caterpillar Financial Services Corporation
jnelson@dickinsonwright.com, rgarza@dickinsonwright.com;mdallaire@dickinsonwright.com

Callan Clark Searcy on behalf of Creditor Texas Comptroller of Public Accounts, Revenue Accounting Division
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David G. Tekell on behalf of Creditor Mid-Tex Testing LLC
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/s/Robert C. Lane
Robert C. Lane

Label Matrix for local noticing
0542-1
Case 23-10860-cgb
Western District of Texas
Austin
Thu Jan 11 14:22:46 CST 2024

Packet Construction LLC
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Austin, TX 78708-2668

United States Trustee (SMG111)
United States Trustee
903 San Jacinto Blvd, Suite 230
Austin, TX 78701-2450

U.S. BANKRUPTCY COURT
903 SAN JACINTO, SUITE 322
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Ahern Rentals, Inc.
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PO Box 25287
Tempe, AZ 85285-5287

Alpine Advance 5 LLC
228 Park Ave S
New York, NY 10003-1502

Alpine Advance 5 LLC
46 Washington Street Suite 6
Middletown, CT 06457-2861

Arcosa Aggregates
401 S Interstate Highway 45
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Arcosa Aggregates Texas, LLC
c/o Ross, Smith & Binford, PC
Attn: Frances A. Smith
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Dallas, TX 75201-7459

Arcosa Aggregates Texas, LLC
c/o Ross, Smith & Binford, PC
Attn: Jason Binford
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PO Box 632
Blum, TX 76627-0632

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8 West 36th Street, 7th Floor
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3107 Perry Lane
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Big Bend Services, LLC
PO Box 61226
Midland, TX 79711-1226

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James Firm PLLC
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Braun Intertec Corporation
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HKA Enterprises LLC
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BONITA SPRINGS FL 34134-4325

HercRentals
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JONESBORO AR 72403-1955

Martin Marietta Materials
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Dallas, TX 75234-6007

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Mid-Tex Testing LLC
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Waco, TX 76701-2145

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North Mill Credit Trust
81 Throckmorton Ave
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North Mill Credit Trust
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Providence Equipment Finance
aka Providence Bank & Trust
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Texarkana, TX 75503-1945

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Simpson Crushed Stone
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Nemo, TX 76070-3003

Southeast Readi-Mix Products Inc
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Territorial Bank of American Samoa
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Tex-Mix Partners LTD dba Tex Mix Concrete
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Tex-Mix Partners LTD, dba Tex Mix Concrete
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Leander, TX 78646-0830

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Leander, TX 78646-0830

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Texas First Rentals, LLC
Attorney of Record - Zachary J. Fanucchi
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Texas Regional Bank
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McAllen, TX 78502-5555

Texas Workforce Commission
Office of Attorney General
BK/Collections
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United States Trustee - AU12
United States Trustee
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San Antonio, TX 78205-8902

Robert Chamless Lane
The Lane Law Firm, PLLC
6200 Savoy Dr, Suite 1150
Houston, TX 77036-3369

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

CAT Financial
PO Box 340001
Nashville, TN 37203

Herc Rentals, Inc
27500 Riverview Center Blvd
Bonita Springs, FL 34134

Marshall & Singleton, PLC
PO Box 4034
Jonesboro, AR 72401

Southstar Financial, LLC
840 Lowcountry Blvd
Mount Pleasant, SC 29464

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)HKA Enterprises, Inc
337 Spartangreen Blvd
Duncan, SC 29334-9220

(d)Spartan Business Solutions, LLC
c/o Giuliano Law PC
Anthony Giuliano, Esq.
445 Broadhollow Rd., Suite 25
Melville, N.Y. 11747-3645

(d)Stealth Monitoring Inc.
15182 Marsh Lane
Addison, TX 75001-8047

(u)Territorial Bank of American Samoa
716 Centennial Building
PagoPago, American Samoa96799

End of Label Matrix
Mailable recipients 90
Bypassed recipients 4
Total 94